

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CRIMINAL ACTION NO. 4:07CR147
§
WILLIAM RANDALL BRANNAN, §
§
Defendant. §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 30, 2016, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Jay Combs.

On January 10, 2008, Defendant was sentenced by the Honorable United States District Judge Marcia Crone of the Eastern District of Texas after pleading guilty to the offense of Felon in Possession of a Firearm, a Class C felony. This offense carried a statutory maximum imprisonment term of not more than ten (10) years. The guideline imprisonment range, based on a total offense level of twenty-five (25) and a criminal history category of V, was 100 to 120 months. Defendant was sentenced to one hundred and three (103) months imprisonment followed by a three (3) year time of supervised release subject to the standard conditions of release, plus special conditions to include submission of financial information, mental health treatment, and a \$100 special assessment. On August 19, 2015, Defendant completed his period of imprisonment and began service of his supervision term.

On February 3, 2016, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 40 Sealed]. The Petition asserted that Defendant violated four (4) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (3) Defendant shall not unlawfully possess a controlled substance; and (4) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following acts: (1), (2), and (3) On January 19, 2016, Defendant was arrested by the Denton, Texas, Police Department for the offenses of Aggravated Assault with a Deadly Weapon, Unlawful Possession of a Firearm by a Felon, and Possession of a Controlled Substance PG 1< 1G in a Drug Free Zone. On January 19, 2016, Officers with the Denton Police Department were called to an apartment complex located in close proximity to McMath Middle School on a domestic disturbance. Contact was made with the Defendant, a female named Shay, and a male named Victor. The victim reported the Defendant brought methamphetamine to the apartment. He then attempted to have sex with the victim and when she refused, he became angry. As they argued, Defendant produced the 9mm gun and held it to her head and threatened to “put a hole in her.”

Prior to the Government putting on its case, Defendant entered a plea of true to all four (4) allegations of the Petition. Having considered the Petition and the plea of true to allegations one (1), two (2), three (3) and four (4), the Court finds that Defendant did violate his conditions of supervised release.

Defendant did not waive his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months to be served consecutively to any term of imprisonment he may be serving, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons Men's facility in Ft. Worth, if appropriate.

SIGNED this 9th day of January, 2017.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE